

REMARKS

Claims 1-18 remain in the present application. Claims 1, 8 and 15-18 are amended herein. Applicants respectfully submit that no new matter has been added as a result of the claim amendments. Applicants respectfully request further examination and reconsideration of the rejections based on the arguments set forth below.

Claim Rejections – 35 U.S.C. §102

Claims 1-6 and 13-14

Claims 1-6 and 13-14 are rejected in the present Office Action under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,199,050 to Alaia et al. (hereafter referred to as "Alaia"). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-6 and 13-14 are neither anticipated nor rendered obvious by Alaia for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 1 that recites an auction method for implementing automatic extension of an auction in response to bidding activity from auction participants comprising (emphasis added):

- a) setting an end time for concluding an auction;
- b) receiving bids from remote bidders via a distributed computing network;
- c) measuring a number of bids received within a predetermined time of the auction end time;
- d) if the measured number of bids exceeds a threshold number of bids, extending the duration of the auction automatically and setting a new auction end time, wherein said threshold number of bids is at least one bid; and
- e) notifying auction participants of the new auction end time.

Claims 2-6 and 13-14 depend from independent Claim 1 and recite further limitations to the claimed invention.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claim 1. As recited and described in the present application, the duration of the auction is extended if the bids received exceed a threshold number of bids. The threshold number of bids is at least one bid.

In contrast to the claimed embodiments, Applicants understand Alaia to teach commencing “overtime” upon the receipt of a *single* trigger bid (Figure step 530 of Figure 11; col. 11, lines 58-60; col. 13, lines 53-56). Although Applicants find no teaching in Alaia of a threshold number of bids which must be exceeded to trigger overtime, Applicants will presume for sake of argument that the threshold number of bids taught by Alaia is zero since zero bids is the only integer less than the one bid that Alaia teaches is required to trigger overtime. As such, Applicants respectfully submit that Alaia teaches away from the claimed embodiments by teaching a bid threshold of zero bids instead of a bid threshold of at least one bid as claimed.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is dynamically adjustable during said auction” as recited in Claim 13. As recited and described in the present application, the threshold number of bids is dynamically adjustable during the auction.

In contrast to the claimed embodiments, Applicants fail to find any teaching or suggestion in Alaia of dynamically adjusting the threshold number of bids as claimed. Further, Applicants fail to find any teaching or suggestion in

Alaia of dynamically adjusting the threshold number of bids *during the auction* as claimed. Accordingly, Applicants reiterate that Alaia fails to teach or suggest the limitations of "wherein said threshold number of bids is dynamically adjustable during said auction" as recited in Claim 13.

For these reasons, Applicants respectfully submit that independent Claim 1 is neither anticipated nor rendered obvious by Alaia, thereby overcoming the 35 U.S.C. §102(b) rejection of record. Since dependent Claims 2-6 and 13-14 recite further limitations to the invention claimed in independent Claim 1, Claims 2-6 and 13-14 are also neither anticipated nor rendered obvious by Alaia. Therefore, Claims 1-6 and 13-14 are allowable.

Claims 15-18

Claims 15-18 are rejected in the present Office Action under 35 U.S.C. §102(b) as being anticipated by United States Patent Number 6,199,050 to Alaia et al. (hereafter referred to as "Alaia"). Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 15-18 are neither anticipated nor rendered obvious by Alaia for the following reasons.

Applicants respectfully direct the Examiner to independent Claim 15 that recites an auction method of automatically extending an auction comprising (emphasis added):

setting an end time for concluding an auction;
receiving bids from remote bidders via a distributed computing network;
measuring a rate at which incoming bids are received;
if the measured rate of incoming bids exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time; and
notifying auction participants of the new auction end time.

Claims 16-18 depend from independent Claim 15 and recite further limitations to the claimed invention.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “measuring a rate at which incoming bids are received” as recited in independent Claim 15. As recited and described in the present application, a rate of received bids is measured.

In contrast to the claimed embodiments, Applicants fail to find any teaching or suggestion in Alaia of measuring a rate at which incoming bids are received as claimed. Further, Applicants respectfully submit that at least two sample points (e.g., at least two bids received at respective times) are required to measure a bid reception rate as claimed. However, Alaia teaches that a single bid triggers overtime. Thus, Applicants respectfully submit that Alaia teaches away from measuring a bid reception rate as claimed.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “if the measured rate of incoming bids exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time” as recited in independent Claim 15. As recited and described in the present application, a rate of received bids is measured. If the measured rate of incoming bids exceeds a predetermined threshold, then the duration of the auction is automatically extended and a new auction end time is set.

In contrast to the claimed embodiments, Applicants fail to find any teaching or suggestion in Alaia of a measured rate of incoming bids, as claimed, as discussed above. Additionally, Applicants fail to find any teaching or

suggestion in Alaia of an incoming bid rate threshold which is predetermined as claimed. Further, Applicants fail to find any teaching or suggestion in Alaia of automatically extending the duration of the auction and setting a new auction end time if the measured rate of incoming bids exceeds the predetermined threshold. Accordingly, Applicants reiterate that Alaia fails to teach or suggest the limitations of “if the measured rate of incoming bids exceeds a predetermined threshold, automatically extending the duration of the auction and setting a new auction end time” as recited in independent Claim 15.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold is dynamically adjustable during said auction” as recited in Claim 17. As recited and described in the present application, the threshold bid reception rate is dynamically adjustable during the auction.

In contrast to the claimed embodiments, Applicants fail to find any teaching or suggestion in Alaia of dynamically adjusting a threshold bid reception rate as claimed. Further, Applicants fail to find any teaching or suggestion in Alaia of dynamically adjusting a threshold bid reception rate *during the auction* as claimed. Accordingly, Applicants reiterate that Alaia fails to teach or suggest the limitations of “wherein said threshold is dynamically adjustable during said auction” as recited in Claim 17.

For these reasons, Applicants respectfully submit that independent Claim 15 is neither anticipated nor rendered obvious by Alaia, thereby overcoming the 35 U.S.C. §102(b) rejection of record. Since dependent Claims 16-18 recite further limitations to the invention claimed in independent Claim 15, Claims 16-

18 are also neither anticipated nor rendered obvious by Alaia. Therefore, Claims 1-6 and 13-14 are allowable.

Claim Rejections – 35 U.S.C. §103

Claims 7-12 are rejected in the present Office Action under 35 U.S.C. §103(a) as being unpatentable over Alaia in view of eBay Help Basics, Frequently Asked Questions on Bidding (hereafter referred to as “eBay”). Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 7-12 are not rendered obvious by Alaia in view of eBay for the following reasons.

Applicants respectfully submit that Alaia fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claim 1 as discussed above, and similarly recited in independent Claim 8. Applicants respectfully submit that eBay, either alone or in combination with Alaia, also fails to teach or suggest the limitations of “wherein said threshold number of bids is at least one bid” as recited in independent Claim 1 as discussed above, and similarly recited in independent Claim 8.

For these reasons, Applicants respectfully submit that independent Claim 8 is not rendered obvious by Alaia in view of eBay, thereby overcoming the 35 U.S.C. §103(a) rejection of record. Since dependent Claims 7 and 9-12 recite further limitations to the invention claimed in their respective independent Claims, Claims 7 and 9-12 are also not rendered obvious by Alaia in view of eBay. Therefore, Claims 7-12 are allowable.

CONCLUSION

Applicants respectfully submit that Claims 1-18 are in condition for allowance and Applicants earnestly solicit such action from the Examiner.

The Examiner is urged to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

Please charge any additional fees or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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